

REMARKS

Claims 1-17, 19-21, and 23-33 were pending in the application. Claim 1 has been amended. No claims have been added or cancelled. Therefore, claims 1-17, 19-21, and 23-33 remain pending and are resubmitted for consideration.

35 U.S.C. § 102 Rejection

Claims 1-5, 8, 9, 14, 15, 17, 19, 26, 28, 29, and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,009,902 (“Shurman”). The rejection should be withdrawn for at least the following reason.

Amended claim 1 calls for a metal strand that comprises, among other things, at least two filaments, wherein “at least one filament is interrupted to provide at least one filament end, wherein said one filament end is fixed to a second filament of said strand using a fixing substance, and wherein the second filament is uninterrupted.” Shurman fails to teach or suggest such a metal strand.

The Examiner contends that the third embodiment of Shurman discloses two coiled filaments in which one end is fixed to the uninterrupted filament by its structure being fixed. *See* Office Action at pp. 5-6. However, Shurman merely discloses an outer end 38 adjacent a portion of the same wire and an inner end 39 adjacent to both a portion of the same wire and an inner end 39 of a second wire. *See* Shurman at Fig. 11. The ends 38, 39 are not fixed at the “filament end” using a fixing substance. Rather, Shurman merely discloses securement areas 42 that are offset from the offset area 40 and ends 38, 39. Furthermore, Shurman does not disclose an interrupted filament end fixed to a second filament that is “uninterrupted.” Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2-5, 8, 9, 14, 15, 17, 19, 26, 28, 29, and 31 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

35 U.S.C. § 103 Rejections

Claims 6, 7, 16, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shurman in view of U.S. Patent No. 6,313,409 (“Bales”). Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shurman in view of U.S. Patent No. 6,321,810 (“Takahira”). Claims 21 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shurman in view of U.S. Patent No. 5,784,874 (“Bruyneel”). Claims 20, 23-25, 32, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shurman in view of U.S. Patent No. 4,724,929 (“Coleman”). The rejections should be withdrawn for at least the following reasons.

Claims 6, 7, 10-13, 16, 20, 21, 23-25, 27, 30, 32, and 33 depend from claim 1. None of the references, taken together or separately, teach or suggest the claimed invention. For example, none of the references, taken together or separately, teach or suggest a metal strand that comprises, among other things, at least two filaments, wherein “at least one filament is interrupted to provide at least one filament end, wherein said one filament end is fixed to second filament of said strand using a fixing substance, and wherein the second filament is uninterrupted” as recited in claim 1. Shurman, does not disclose fixing one filament end to a second, uninterrupted, filament. Furthermore, Shurman does not disclose fixing the ends 38, 39 at the “filament end” using a fixing substance.

The Examiner cites Bales for teaching a soldering temperature for steel filaments. Even assuming for the sake of the argument that such a teaching is correct, Bales does not cure the deficiencies of Shurman. Takahira is cited for teaching specific strand and filament diameters. Even assuming for the sake of the argument that such a teaching is correct, Takahira does not cure the deficiencies of Shurman. The Examiner contends that Bruyneel teaches the use of a metal cord in a timing belt. However, even assuming for the sake of the argument that such a teaching is correct, Bruyneel does not cure the deficiencies of Shurman. Furthermore, the Examiner contends that Coleman teaches the use of a metal cord in an elevator belt. Even assuming for the sake of the argument that such a teaching is correct, Coleman does not cure the deficiencies of Shurman. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Double Patenting Rejection

Claims 1, 5-17, and 19-33 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-19 of co-pending U.S. Application No. 10/514,420 ("the '420 application"). Applicants acknowledge the provisional rejection, and submit that no further response is necessary as the '420 application has not yet issued as a patent.

Conclusion


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

By Jessica M. Cahill Reg. #56,986

Glenn Law
Attorney for Applicant
Registration No. 34,371